



GRANT COUNTY  
WATER CONSERVANCY BOARD  
Application for Change/Transfer

Record of Decision

For Ecology Use Only	
Received:	
<b>RECEIVED</b>	
Date Stamp DEC 27 2004	
DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE	

Applicant: Helmut Hintz

DOE WRATS Number: CG3-\*01104C

This record of decision was made at an open public meeting of the Grant County Water Conservancy Board held on December 23<sup>rd</sup>, 2004

☐ **Approval:**

The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on December 23<sup>rd</sup>, 2004 and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

☐ **Denial:**

The Grant County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review or consideration.

Signed:

W. Ron Baker

W. Ron Baker, Commissioner  
Grant County Water Conservancy Board

Date: 12/23/04

Approves ☒  
Denies ☐  
Recuse ☐

Keith Ellis

Keith Ellis, Commissioner  
Grant County Water Conservancy Board

Date: 12-23-04

Approves ☒  
Denies ☐  
Recuse ☐

Robert S. Rolfness

Robert S. Rolfness, Chair  
Grant County Water Conservancy Board

Date: 12/23/04

Approves ☒  
Denies ☐  
Recuse ☐

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via tracked mail, and other interested parties on December 23<sup>rd</sup>, 2004.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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GRANT COUNTY  
WATER CONSERVANCY BOARD  
*Application for Change/Transfer*  
**Record of Examination**  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

2025 03 20 PM 02:00

**X** Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

DATE APPLICATION RECEIVED	PERMIT NUMBER	CERTIFICATE NUMBER 399A	CHANGE APPLICATION NUMBER CG3-*01104C
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NAME and ADDRESS

Helmut Hintz

ADDRESS (STREET)

1711 Road 5 NW

(CITY)

Ephrata

(STATE)

WA

(ZIP CODE)

98828

**DECISION HISTORICAL SUMMARY**

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE						QUANTITY, TYPE OF USE, PERIOD OF USE					
1600 gpm, 640 acre-feet per year, Seasonal Irrigation 160 Acres						800 gpm, 320 acre-feet per year, Seasonal Irrigation 80 Acres					
SOURCE						SOURCE					
One Well						One Well					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
	NE	SE	7	19N	27E		NE	SE	7	19N	27E
Place of Use						Place of Use					
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED)						LEGAL DESCRIPTION OF LANDS WHERE NEW WATER USE IS PROPOSED)					
SE1/4 Section 7, T19N, R27E, W.M.						Within Government Lots 1 and 2 of NW ¼ and a portion of E1/2 of NW1/4 Section 7, T19N, R27E, W.M.					
NO.	¼	¼	SECTION	TOWNSHIP	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE, (
			SE	7N	27E						

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: **X** Exempt Not exempt

Water Right Priority Date: **April 18, 1949**

**BOARD DECISION**

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 800	MAXIMUM ACRE-FT/YR 320	TYPE OF USE, PERIOD OF USE Seasonal Irrigation 80 acres			
SOURCE One Well [Existing]			TRIBUTARY OF (IF SURFACE WATER)			
AT A POINT LOCATED: PARCEL NO.			¼	¼	SECTION	TOWNSHIP N.
			NE	SE	7	19N
						RANGE
						27E
						WRIA
						41
						COUNTY
						Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED						
Within Government Lots 1 and 2 of NW ¼ and a portion of E1/2 of NW1/4 Section 7, T19N, R27E, W.M.						
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	

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## DESCRIPTION OF PROPOSED WORKS

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One well and a pressure irrigation system.

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## DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: February 1 <sup>st</sup> , 2004	COMPLETE PROJECT BY THIS DATE: February 1 <sup>st</sup> , 2007	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: February 1 <sup>st</sup> , 2007
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## REPORT

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See WAC 173-153-130

### **BACKGROUND**

#### Existing Application (Permit, Claim, or Certificate No. and Applicant Identification):

Certificate 399A to withdrawal state water has a priority date of April 18, 1949, is issued in the amount of 1600 gallons per minute, 640 acre-feet annually for the seasonal irrigation of 160 acres. The place of use is SE1/4 Section 7, T19N, R27E, W.M. It authorizes one point of withdrawal, a well located 100 feet south and 150 west from the East 1/4 Corner of said section.

On February 3<sup>rd</sup>, 1954 Certificate 1747, supplemental to Certificate 399A, was issued. Certificate 1747 has a priority date of December 22<sup>nd</sup>, 1952 and is issued for the amount of 1450 gallons per minute, 640 annually for the seasonal irrigation of 160 acres. The place of use is Government lots 1, 2, 3, and 4, and the E1/2 of NW1/4, and the E1/4 of SW1/4, and SE1/4 of Section 7, T19N, R27E, W.M. One well located within the NE1/4NW1/4SW1/4 of Section 7, T19N, R27E, W.M. was authorized.

Mr. Helmut Hintz, the applicant, originally made an Application for Change of this water right [1747A] to the Department of Ecology in April 1999. The change was transferred to the Grant County Water Conservancy Board [GCWCB] in September 2000. After the GCWCB started processing this first change it was determined the request was not possible. Mr. Hintz requested this Application be transferred back to the DOE and a new Application for Change was submitted to the GCWCB in April 2004 for one-half of Certificate 399A. One April 15, 2004 this new change request was assigned the WRATS number CG3-\*01104C and an OK to proceed given the GCWCB. The GCWCB approved a ROE/ROD for this change on September 23<sup>rd</sup>, 2004. But due to technical problems within the Public Notice the DOE submission was withdrawn on November 5<sup>th</sup>, 2004. The Public Notice was corrected and republished.

On April 2004 Mr. Vern Hellewell also made an Application for Change of Water Right to the GCWCB to change the other half of Certificate 399A. This change has been approved by the GCWCB and affirmed with modification by the Department.

#### Purposed Change:

The applicant purposes to change the place of use for ½ of the total water authorized by Certificate 399A.

The new place of use is 80 acres defined as Government Lots 1 and 2 of NW ¼ and a portion of E1/2 of SW1/4 Section 7, T19N, R27E, W.M.

No change in purpose of use or water quantities is requested.

### **COMMENTS, PROTESTS, Subject Laws**

#### Public Notice and Comment

Public Notice of this application was published in the Grant County Journal on November 8<sup>th</sup> and 15<sup>th</sup>, 2004. No public comments were received.

#### Compliance with State Family Farm Act:

Water Right Certificate 399A is NOT subject to the provisions of the Family Farm Water Act Chapter 90.66 RCW as modified by ESHB 1832.

#### Compliance with State Environmental Policy Act:

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

## **INVESTIGATION**

### **Field Examination:**

One November 15<sup>th</sup>, 2001 Commissioners Robert Rolfness, Arlie Updegrave, and Frank Shinn of the GCWCB conducted a Field Examination in support of the applicant's first Application for Change. [Later withdrawn] Mr. Hintz was available to answer questions.

The place of use was found to be an active irrigated farm approximately 11 miles northwest of Moses Lake. Two points of withdrawals were found. The well located at GPS: 47° 09.156', 119° 28.591' [West Well] had a 75 hp turbine pump installed and was pumping water into a collecting pond. The well log indicates its 12-inch diameter drilled to a depth of 256 feet. A 75 hp booster pump at the pond location was used to distribute water through out the specified place of use. A second well was found located at GPS: 47° 09.256', 119° 28.319' [East Well] which was not in use. This well is 12-inch diameter, drilled to 242 feet, and is about 1000 feet East of the other well.

Commissioner W Ron Baker of the GC WCB conducted a field examination on January 16, 2004. Mr. Helmet Hintz was available to answer questions. The existing wells, original and proposed place of use were reviewed.

## **DISCUSSION AND CONCLUSIONS**

### **State Water Code**

Under RCW 90.44.100, the holder of a valid ground water permit or certificate may, without losing priority change the manner or place of use of a ground water right. The procedures for doing so are the same as for a change of use for a surface rights except that both perfected and inchoate ground water rights may be changed or transferred. Amendments to a groundwater permit or certificate may after making the following determinations: (a) the addition or seasonal or substitute well taps same body of groundwater; (b) use of the original well will be continued but the gpm. and acre feet of withdrawal will be reduced to reflect the quantities transferred by the change; (c) construction of additional well does not enlarge the right conveyed by the original permit or certificate; (d) other existing rights will not be impaired.

Chapter 90.80 RCW and WAC 173-153 govern the authority of the county water conservancy boards to process applications to change or transfer water rights. The application was reviewed for compliance with these authorities.

### **Change of the Place of Use**

The applicant, Mr. Helmut Hintz, owns the NW1/4 of Section 7, T19N, R27E, W.M. A parcel of ground previously owned by Mr. Vern Hellewell and others. This ground has been irrigated from a well still owned by Mr. Vern Hellewell that is authorized by Water Certificate 1747A.

Certificate 1747 authorizes 1640 gpm, 640 acre-feet, of water to be used for seasonal irrigation on the NW1/4, SW1/4, and SE1/4 of said section. Of the 160 acres authorized 40 acres are a primary to the SE1/4 and the remaining 120 acres to the NW1/4 and SW1/4.

Certificate 1747A is supplemental to the earlier Certificate 399A. 399A is for the irrigation of 160 acres in the SE1/4 of Section 7, T19N, R27E, W.M., at 1600 gpm, 640 acre-feet. The use of water authorized by Certificate 399A was transferred to a Mr. Randy Hellewell for use on the NW1/4 and SW1/4 of Section 7, T19N, R27E, W.M. by Quit Claim Deed in 1979. Prior to 1979 the use of water from the East well, Certificate 399A (160 Acres) was being used on the NW1/4 and SW1/4 via an interconnection irrigation system, along with the water from the West well (160 acres) using water allowed by Certificate 1747A. This certificate has a provision that withdraws water if the Columbia Basin Project delivers water to the place of use but allows the transfer of the place of use to non-project lands.

At the present time Mr. Helmet Hintz is owns one-half (80 acres) of the 160 acres allowed by Certificate 399A, and proposes to divide from Mr. Vern Hellewell one half (80 acres) of the 160 of Certificate 1747A. He has made arrangements to purchase the well site herein and the easement required to pipe the water to his place of use. The use of the two rights, consisting of 80 acres from 1747A and 80 acres from 399A, would be used by Mr. Hintz on the NW1/4 of Section 7, T19N, R27E, W.M., and would be pumped from the east well which is located within SE1/4 of said section. The balance of the two certificates, 1747A (80 acres) and

399A (80 acres), would be used by Mr. Vern Hellewell on the SW ¼ of Section 7, T19N, R27E, W.M. and be pumped from the West well in the SE1/4 of said section.

Mr. Hellewell has also made an Application for Change of Water to the GCWCB to modify the place of use and point of withdraw of Certificate 399A to reflect this arrangement.

### **RECOMMENDATIONS**

In accordance with chapters 90.03, 90.44, and 90.80 RCW, the GCWCB concludes: that this application for change of place of use, and point of withdrawal will not enlarge the quantity of water, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

That Water Right Certificate 399A is in good standing and is eligible for change. We have determined that the requested change to Water Right Certificate 399A will not enlarge the original intent of the application and the water use will be beneficial. Approval of this change/transfer request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change should be approved subject to existing rights and the provisions herein.

### **PROVISIONS**

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

Signed at Moses Lake, Washington  
This 23<sup>rd</sup> day of December, 2004



W Ron Baker, Commissioner  
Grant County Water Conservancy Board

**For attachments not included or for more information please contact:**

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